

Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

Thursday, July 7, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda
July 7th, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

5(K)	7(A) & 12(B)(2)
7(E)	7(F)
7(H) & 7(I)	7(J), 7(K) & 7(M)
7(L)	7(N)
7(O)	7(P)
8(G)(1)(A)	8(K)(1)(A)
8(K)(1)(B)	8(P)(1)(M)
11(A)(7)	

If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

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LEGISLATIVE ANALYSIS

ORDINANCE AUTHORIZING LOAN IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 FROM SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF PAYING OR REIMBURSING COST OF CERTAIN CAPITAL ASSETS AND CAPITAL IMPROVEMENTS FOR MIAMI-DADE COUNTY PUBLIC HEALTH TRUST; PROVIDING THAT SUCH LOAN SHALL BE SECURED BY COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE COUNTY; AUTHORIZING FINANCE DIRECTOR TO APPROVE FINAL DETAILS OF LOAN WITHIN CERTAIN PARAMETERS; APPROVING FORM AND EXECUTION AND DELIVERY OF RELATED LOAN AGREEMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH SUCH LOAN

Finance Department

I. SUMMARY

This ordinance authorizes the following:

- A loan from the Sunshine State Governmental Financing Commission (the Sunshine Commission) in the aggregate principal amount not to exceed \$60 million for paying or reimbursing the County;
- The utilization of the loan to acquire certain capital equipment and/or certain capital improvements for the Public Health Trust (the Project) as listed in Exhibit A of the County Manager's memo;
- The Loan Agreement;
- Delegates to the Finance Director certain responsibilities with respect to the loan.

II. PRESENT SITUATION

During the Budget Hearings for FY 2004-2005, the Board of County Commissioners approved the request to assist PHT in financing the Project in the amount of \$55 million (see attached page 20 of the County Managers Memo dated September 23, 2004). The County agreed to secure the loan from the Sunshine Commission not to exceed \$60 million to cover the \$55 million for the Project plus the costs associated with the processing of the loan, such as funding a loan reserve account and legal fees.

III. POLICY CHANGE AND IMPLICATION

This ordinance will allow the County to assist the PHT in the financing of the Project. It authorizes the County to obtain a loan from the Sunshine Commission and delegates to the Finance Director the authority to take all actions necessary, including finalizing the details of the loan and the loan agreement. It also approves the loan agreement.

IV. ECONOMIC IMPACT

The County is only obligated to use pledged revenues for the repayment of the aggregate principal amount of the loan not to exceed \$60 million plus the true interest rate on the loan not to exceed 5% per annum.

The life of the loan depends on the individual components (the capital equipment and/or improvements) acquired. The life of the loan may vary between five (5) to twenty-five (25) years.

V. COMMENTS AND QUESTIONS

Enacted in 1985 by Florida Statutes, Chapter 163, the Sunshine State Governmental Financing Commission serves as an inter-local bond authority enabling its participating government members to benefit from the economies of larger scale financing.

Participating government members include Orlando, Coral Gables, Coral Springs, Daytona Beach, Ft. Lauderdale, Hollywood, Jacksonville, Lakeland, Miami, Miami Beach, St. Petersburg, Tallahassee, Vero Beach, West Palm Beach, Miami-Dade County, Palm Beach County, Leon County and Polk County.

LEGISLATIVE ANALYSIS

Item 4(A): *ORDINANCE ESTABLISHING A "GOVERNING FOR RESULTS" FRAMEWORK IN MIAMI-DADE COUNTY FOR THE PURPOSE OF IMPROVING SERVICE DELIVERY, MANAGERIAL AND LEGISLATIVE DECISION-MAKING, AND PUBLIC TRUST IN COUNTY GOVERNMENT; ESTABLISHING REQUIREMENTS FOR STRATEGIC PLANNING, BUSINESS PLANNING, AND THE ALLOCATION OF COUNTY RESOURCES; ESTABLISHING GUIDELINES FOR MANAGERIAL ACCOUNTABILITY, PERFORMANCE MEASUREMENT, MONITORING AND REPORTING, AND PERFORMANCE BASED PROGRAM REVIEWS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Commissioner Joe A. Martinez

Item 12(B)2: *REPORT: GOVERNING FOR RESULTS*

County Manager

I. SUMMARY

Item 7(A). As described in the County Manager's June 22, 2005 Budget Message (p. 5), this ordinance codifies *"the systems we already have in place for developing policies, allocating resources, and appraising performance based upon the Strategic Plan, which was formulated through an inclusive community-wide process and adopted by the Board. Based upon the goals, objectives, and desired outcomes outlined in the strategic plan, departments have developed annual business plans. These business plans are the basis for our Proposed Resource Allocation Plan or Proposed Budget. The allocation of resources is tied to the results indicated in the departmental business plans and senior management is held accountable for adhering to the budget, as well as delivering the results that have been promised."*

The proposed ordinance formally adopts specific policies for the "Governing for Results" program. The program adapts public and private sector managerial concepts that are often referred to as "management for results (MFR)."

- Adoption of MFR concepts is in keeping with recommendations of the Governmental Accounting Standards Board (GASB)¹ which, in a project sponsored by the Alfred P. Sloan Foundation, has encouraged adoption of and published guidelines for MFR initiatives. Similarly, adoption of this program is consistent with recommendations of the International City/County Management Association (ICMA)² which has sponsored case studies highlighting Austin, Texas' successful use of MFR since 1999.

¹ GASB is the independent, not-for-profit organization formed in 1984 that establishes and improves financial accounting and reporting standards for state and local governments.

² ICMA is the professional and educational organization of chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities. ICMA provides technical and management assistance, training, and information resources to its members and the local government community.

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- “Governing for Results” program concepts are also consistent with Government Finance Officers Association (GFOA)³ recommendations in their publication *Recommended Budget Practices: A Framework for Improved State and Local Government Budgeting*.

Item 12(B)2. This report from the County Manager recommends adoption of Item 7(A) and describes the status of the County’s “Results Oriented Government” initiative.

II. PRESENT SITUATION

The *2005-2006 Proposed Resource Allocation and Multi-Year Capital Plan* is the second budget prepared and submitted under the County Manager’s “Results Oriented Government” initiative. In keeping with MFR concepts, the proposed 2005-06 budget followed strategic planning and prioritization; and various performance measurement and performance management initiatives have been initiated as described by the County Manager in Agenda Item 12(B)2.

III. POLICY CHANGE AND IMPLICATION

The proposed “Governing for Results” ordinance essentially codifies the County Manager’s “Results Oriented Government” initiative within the County’s new “Results Oriented Government” framework. The framework would adopt MFR practices in strategic planning and performance management, and adds “Performance Based Program Review” concepts that were previously adopted by the Board in Ordinance 03-65.

The proposed “Governing for Results” ordinance does not require adoption of performance budgeting (a.k.a. “budgeting for results”) that is often associated MFR as endorsed by GASB and as are components of the State of Florida budgeting and of the Austin, Texas MFR as described in an ICMA case study. (See Section V of this analysis for more information on “budgeting for results.”)

The proposed ordinance’s “Performance Based Program Review” requirement does not supersede similar concepts previously approved by the Board in Ordinance 03-65, and unlike Ordinance 03-65, the proposed ordinance does not discuss Commission Auditor participation in the process. Per Ordinance 03-65:

Section 1. The County Manager shall develop a schedule and apply performance based program review principles in reviewing the programs of each County department and agency, including all trusts and entities falling under the jurisdiction of Miami-Dade County government, at least once every eight years, commencing with the Fiscal Year 2004-2005 Budget Cycle. As used herein, “performance based program review principles” may include, among others, the following: (1) a review as to whether the program is in conformance with the strategic plans, business plans, and adopted budgetary priorities; (2) zero-based budgeting concepts; (3) application of program workload measures, program efficiency measures, program effectiveness measures, program outcome measures and cost-benefit analysis; and (4) an analysis of the

³ GFOA is the professional association of state/provincial and local finance officers in the United States and Canada and has served the public finance profession since 1906.

customer or client base served by the program and delivery of service alternatives.
Section 2. The County Manager shall develop a plan for such performance based program reviews and submit a report regarding that plan for consideration by the Budget and Finance Committee by May 15, 2003. That plan shall include a grouping of all County departments, trusts, and agencies so that approximately one-eighth of the entities are thoroughly reviewed annually and so the cycle will subject each entity to a performance based program review every eight years. The plan shall require that all performance based program reviews be performed in coordination with the Office of the Commission Auditor.

Section 3. For each department, trust, and agency required to conduct a performance based program review, the County Manager shall present his or her findings, analysis, and reports to the Budget and Finance Committee before the Proposed Budget is submitted. When any trust is reviewed under the performance based program review, the trust board shall be responsible for reviewing its programs under the same principles and shall present its findings, analysis and reports to the County Manager for review at last six weeks prior to the presentation to the Budget and Finance Committee. The trust board shall present its findings, analysis and reports to the Budget and Finance Committee at the same meeting at which the County Manager presents his or her findings, analysis, and reports regarding that trust.

IV. ECONOMIC IMPACT

The proposed ordinance establishes policies for which it would be reasonable to expect long term improvements in efficiency and effectiveness of County programs, thereby providing economic benefits to both the County budget as well as to quality of life for the community at large.

V. COMMENTS AND QUESTIONS

As previously stated, the Governmental Accounting Standards Board (GASB) encouraged adoption of "management for results" initiatives. Part of their recommendation included "Budgeting for Results" (a.k.a. "performance-based budgeting"). This process differs in several significant aspects from that in use by Miami-Dade County but is described below because of its frequent inclusion in Management for Results initiatives, such as is described in an ICMA case study of Austin, Texas. Per GASB's *Special Report: Reporting Performance Information: Suggested Criteria for Effective Communication*, Chapter 3.

Budgeting for Results

In simplest terms, performance-based budgets define desired outcomes (results) in terms of inputs (money, manpower, capital expenses, and so forth), strategies (activities), and outputs (products) necessary to achieving those outcomes. It is, in short, a way to use information about results—both desired results and results actually achieved—to inform budget decisions.

A performance-based budget can be described as a budget presented by programs (as opposed to organizational units) with resources allocated using negotiated priorities and based on the cost of providing services at a certain desired level—with measurable outputs and outcomes. Rather than looking at a budget that is organized by departments and line items (capital costs, personnel, legal, administrative, and so forth), policymakers are looking at budgets that connect programs to strategies, strategies to

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services, services to outputs, and outputs to desired outcomes—all in terms of investment (cost). That, in turn, provides information for budget decisions that are informed by program performance and cost. What is the difference between old-style line-item budgeting and budgeting for results? Line-item budgets indicate where money is being spent—salaries, supplies, and so forth. A results-informed budget looks at spending in terms of desired or planned service levels and results. In its Performance Management Recommended Practice (GFOA, 2002), the GFOA [Government Finance Officers' Association] recommends that budgets should be presented at the program level, including program goals, and that such budgets should include information on related measures of input, output, outcome, and efficiency. In developing a budget informed by desired service levels and results, organizations can lay out a fiscal road map for funding the programs and work required to meet (or at least to work toward) their established goals and objectives.

Because performance-based (or performance-informed) budgeting is such a significant departure from the line-item approach, some governments have eased the transition from line-item to performance-based budgeting by presenting a transitional budget in terms of both line items and results.

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO INCORPORATION; AMENDING SECTIONS 20-20, 20-21, 20-22 AND 20-29 OF THE CODE

Commissioner Dennis C. Moss
Commissioner Barbara J. Jordan
Commissioner Natacha Seijas

I. SUMMARY

This ordinance provides modifications to the incorporation process. This ordinance increases the percentage of registered voters necessary in meeting the prerequisite for a petition for referendum. This ordinance also attempts to bring both the petition and MAC options together to address flaws in the transparency and efficiency of the incorporation process.

II. PRESENT SITUATION

In Miami-Dade County there are currently two paths a community may take to establish incorporation. The community may choose to meet the requirements through (1) a Petition for Referendum or by means of (2) a Municipal Advisory Committee (MAC). As more communities have inquired about the opportunity to incorporate, there has been much discussion and criticism over which process is most efficient, while remaining fair to all constituents.

1. Petition for Referendum- *(the current process)*

- Constituents must provide a valid and complete petition with the consent of 10% of the registered voters residing in the proposed area.
- Once the signatures are gathered the petition should be delivered to the Clerk of the Board of County Commissioners.
- The Clerk of the Board of County Commissioners transmits a copy of the petition to the Office of Management and Budget.
- Upon the Office of Management and Budget determining the petition is complete, the department notifies the Clerk of the Board. The Office of Management and Budget then proceeds with the task of making recommendations to the County Manager.
- The County Manager then brings the issue to the BCC as a public hearing item.

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- This process has been criticized for having a low consent percentage (of 10%) for establishing an incorporated area in Miami-Dade County.
- The petition process is a bit more “hands off” than the MAC process.
- Due to the flexibility provided through the petition process, many constituents have stated they were unaware of any meetings regarding incorporation possibilities in their residential area(s).
- Many constituents have also expressed that they did not know what they were signing.
- Some constituents have stated they were not informed of the true impact incorporation will have on their area.

2. Municipal Advisory Committee (MAC)- *(the current process)*

- The collective interest of individual constituents or a group of constituents ask their respective County Commissioner to entertain the opportunity to incorporate the area they reside in.
 - MAC members are later appointed and collectively meet in a forum open to the public to address and study the practicality of incorporation for the area they reside in.
 - The MAC proceeds with performing a study (report) on the proposed area of incorporation with oversight provided by the Office of Management and Budget.
 - The intent of setting up a MAC is to involve constituent participation and their opinions to pertinent concerns.
 - The MAC’s study should address the concerns a new municipality will face with incorporating and operating as a new municipality.
 - After the MAC and the Office of Management and Budget have finalized their study a report is passed on to the County Manager who brings the issue to the BCC as a public hearing item.
- Although, the MAC carries on their process with the assistance and oversight of the Office of Management and Budget, constituents have expressed sentiments of not being well informed of the process.

III. POLICY CHANGE AND IMPLICATION

- The petition form must provide a summary of possible implications of incorporation, which shall include any anticipated effect on the municipal taxes placed on the residents of the area.
- This ordinance provides a means of bringing the petition process and the MAC process together. Bringing the two paths together with the desire to provide more open discussion between neighbors. This ordinance should allow for a more transparent and true outlook of how the greater part of the community truly feels.
- The ordinance proposes an increase of consent from 10% of the registered voters in the area to 25%. Some may express the increased percentage requirement from 10% to 25% is pretty lofty and unrealistic for simply starting an incorporation process. Others will say the consent percentage could be higher and the overwhelming masses should be for this before spending the resources, time, and money.
- This ordinance deletes language stating the County Manager should be notified by the Clerk of the Board and replaces that step with the Clerk notifying the Board of County Commissioners (BCC). The Clerk of Courts is being asked to notify the respective Commissioner(s) of the proposed area who has the authority to bring the item to the BCC as a public hearing item.
- Section 20-20(c) - "Upon notification of the completeness and sufficiency of the petition and upon sponsorship of the County Commissioner whose district comprises the majority of the area proposed to be incorporated by the petition, the Board of County Commissioners may create a Municipal Advisory Committee (MAC), . . ."
- This ordinance brings the petition and MAC process together by stating that a complete petition must proceed through the MAC process before being brought to the respective Commissioner and the BCC.
 - Section 20-21 mandates that petitions filed prior to or subsequent to the effective date of this ordinance must now progress through the MAC process to provide a report fully addressing issues involved in incorporating.
 - Section 20-21 also states, "[n]o petitions having had their initial public hearing prior to the effective date of this ordinance shall receive further consideration by the County Commission or any county established board, unless and until the provisions of this section and Section 20-20(c) have been met."

IV. ECONOMIC IMPACT

N/A

V. COMMENTS AND QUESTIONS

- Attachment 1: Map of the actively pursued incorporation and annexation areas.
- Attachment 2: Incorporation/Annexation Status Report as of May 31st, 2005.
- Attachment 3: Municipal Incorporation Elections (1990-Present)

Proposed Annexation

1. Coral Gables - Davis Pence Annexation
2. Doral Annexation
3. Florida City Annexation
4. Homestead Annexation
5. Medley Annexation
6. Miami Shores Annexation
7. Miami Springs Annexation
8. Sweetwater Annexation
9. Virginia Gardens Annexation

Actively Pursued Incorporation and Annexation Areas

Legend

- Proposed Municipality
- Municipal Advisory Committee
- Proposed Incorporation Petition
- Proposed Annexation
- Proposed Annexation - Potential Conflicts
- Proposed Annexation - Potential Multiple Conflicts
- 2000 Planned Urban Development Boundary
- Highway
- Major Road

This map was prepared by the Miami Dade County Enterprise Technology Services Department Strategic Technologies Division March, 2005
For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services

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Incorporation/Annexation Status Report As of May 31, 2005

Municipal Advisory Committees

Biscayne Gardens

The Biscayne Gardens Municipal Advisory Committee (MAC) is currently in the process of developing the MAC's proforma budget. Upon completion of the budget the MAC will have the required public hearing. This process may be delayed until the selection of a financial consultant as required by resolution R-130-05 to review all MAC budgets and associated County's Impact to UMSA Budget Statements.

Fisher Island

The Fisher Island MAC, at its May 18, 2005 meeting, set aside work on its pro-forma budget pending receipt of a response from the Miami-Dade Police Department (MDPD) regarding its request for a new proposal for local patrol services. In a letter dated May 23, 2005 MDPD responded that "our Department will not undertake additional staffing proposals for Fisher Island, as the three proposals presented are practical and viable options". The next MAC meeting is scheduled for June 22, 2005.

Fontainebleau

The proposed incorporation of Fontainebleau item was heard before the Planning & Advisory Board (PAB) on January 10, 2005. The PAB recommended denial (unanimously) of the proposed incorporation. The Fontainebleau MAC budget will be reviewed by a financial consultant as required by resolution R-130-05. Once reviewed, the item will be forwarded to the Infrastructure and Land Use Committee (INLUC).

Goulds

The MAC met on May 10, 2005. MDPD presented the Local Patrol and Specialized Police Services budgets. The next meeting will be the Ethics Training meeting scheduled on June 14, 2005.

North Central Dade

The proposed incorporation item was heard on December 6, 2004 at Miami Central High School at 6:00 PM by the Planning Advisory Board (PAB). The PAB recommended denial (unanimously) of the proposed incorporation. The North Central Dade MAC budget will be reviewed by a financial consultant as required by resolution R-130-05. Once reviewed, the item will be forwarded to the Infrastructure and Land Use Committee (INLUC).

Northeast Dade

The Northeast Dade MAC proposed incorporation item was heard by the Boundaries Commission (BC) on March 23, 2005. The BC recommended approval of the item 6 votes to 1. The PAB will hear the proposed incorporation item on June 6, 2005 at Highland Oaks Middle School at 6:00 PM.

PLANT (Princeton, Leisure City, and Naranja)

The PLANT MAC (PMAC) met on September 16, 2004 and discussed their pro-forma budget. The PMAC decided not to meet again until they had more information from the Florida Conflict Resolution Consortium (FCRC) concerning their desire to expand its boundaries.

Redland

The Redland MAC (RMAC) had their last meeting on January 22, 2004. The major discussion item was Commissioner Sorenson and Commissioner Moss' resolution. The RMAC has conflicts with Goulds and PLANT concerning the boundaries and is currently in negotiations with the FCRC.

Annexations

Davis Ponce

The Davis Ponce annexation application had a public hearing scheduled on May 10, 2005 at INLUC, at which time the public hearing on the application was deferred to a non-specified date.

Doral

The Doral application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Virginia Gardens, Medley, and Miami Springs. The cities last met on January 31, 2005.

Florida City

The Florida City application was reviewed by INLUC on February 8, 2005 and was forwarded to the BCC without recommendation. The County Attorney was instructed at that meeting to prepare an ordinance for approval of the boundary change. On March 1, 2005, the BCC deferred its discussion of the report and had a first reading for the ordinances. The ordinance along with an alternate ordinance with revised boundaries will receive a second reading and the associated Manager's report for both the original boundary and revised boundary will be discussed at a public hearing scheduled for the June 7, 2005 BCC meeting.

Homestead

The City of Homestead annexation item was presented to the PAB on March 7, 2005. The members recommended approval of the proposed annexation, 4 votes to 3. The annexation item is tentatively scheduled for a public hearing at the August 16, 2005 INLUC meeting.

Medley

The Medley application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Virginia Gardens, and Miami Springs. The cities last met on January 31, 2005.

Miami Shores

The Miami Shores application was deferred at the March 23, 2005 Boundaries Commission meeting pending amendment of the Village's resolution initiating the annexation request to reflect a revised legal description. On April 5, 2005, the Miami Shores Village Council adopted the amended resolution. The item is scheduled for consideration at the June 27, 2005 PAB meeting in the BCC Chambers.

Miami Springs

The Miami Springs application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Virginia Gardens, and Medley. The cities last met on January 31, 2005.

Sweetwater

The BCC sponsored annexation application is scheduled to be presented at the June 27, 2005 PAB meeting in the BCC chambers.

Virginia Gardens

The Virginia Gardens application was accepted by the BCC on September 23, 2003. On September 9, 2004, The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Medley, and Miami Springs. The cities last met on January 31, 2005.

Transition Cities

Cutler Ridge

The Cutler Ridge Charter Commission adopted a resolution at its May 9, 2005 meeting approving a proposed charter and transmitting the charter to the Board of County Commissioners with a request for an August 2, 2005 special election. Ordinances authorizing creation of a new municipality and calling a special election are scheduled for first reading at the June 7, 2005 BCC meeting and for final public hearing at the June 21, 2005 meeting under the sponsorship of Commissioner Katy Sorenson.

Miami Gardens

The Interlocal Agreement between Miami-Dade County and the City of Miami Gardens for the allocation of \$6,000,000 to assist in the construction of the Carol City Community Center was approved by the Board of County Commissioners on May 3, 2005. The Interlocal Agreement governing the distribution of Communications Services Tax is being finalized and is tentatively scheduled for the June 14, 2005 INLUC meeting.

Palmetto Bay

The Village of Palmetto Bay Council voted on a resolution to withdraw its dispute with the County concerning the amount of mitigation owed for fiscal year 2003-04. The resolution also accepted the County's method of calculating the mitigation amount; the full \$1,455,000 due to the County for fiscal year 2003-04 has been received.

Additional Information

Redland Petition

The BCC deferred consideration of this petition for incorporation at their December 14, 2004 meeting. The petition was received by the Clerk of the Board on May 17, 2004 and has been certified by the Elections Department. No date certain was established by the board for future consideration of the petition.

In January 2005 a suit was filed in the 11th Circuit Court, case #05-943CA-05, between Patricia Wade, The Friends of Redland, Inc (Plaintiffs) vs. Miami-Dade Board of County Commission (Defendant). In May 2005 the Court granted a final judgment in favor of the Defendant and against the Plaintiffs. Since then the Plaintiffs have filed an appeal.

**MUNICIPAL INCORPORATION ELECTIONS
1990 to Present**

Election	Election Date	Registered Voters	Ballots Cast	Turnout %	YES Votes %
Key Biscayne Incorporation	11/06/90	4,241	3,087	72.79%	56.66%
Key Biscayne Charter Approval	06/18/91	3,868	1,693	43.77%	67.51%
Aventura Incorporation	04/11/95	11,984	5,164	41.51%	85.18%
Aventura Charter Approval	11/07/95	12,197	3,909	32.05%	89.59%
Pinecrest Incorporation	09/19/95	10,321	4,786	46.37%	65.91%
Pinecrest Charter Approval	03/12/96	8,769	4,609	52.56%	58.21%
Sunny Isles Beach Incorporation	01/07/97	6,838	2,678	39.16%	72.72%
Sunny Isles Beach Charter Approval	06/16/97	6,973	1,892	27.13%	81.75%
Miami Lakes Incorporation	09/05/00	9,760	4,743	48.60%	87.09%
Miami Lakes Charter Approval	12/05/00	10,699	1,566	14.64%	94.19%
Palmetto Bay Incorporation	02/05/02	13,702	6,391	46.64%	81.49%
Palmetto Bay Charter Approval	09/10/02	13,762	7,225	52.50%	83.24%
Doral Incorporation	01/28/03	6,985	1,985	28.42%	85.45%
Doral Charter Approval	06/24/03	7,531	776	10.30%	92.19%
Miami Gardens Incorporation	01/28/03	51,582	8,032	15.57%	63.55%

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO INCORPORATION AND ANNEXATION AND AREAS AND FACILITIES OF COUNTYWIDE SIGNIFICANCE

Commissioner Jose "Pepe" Diaz
Commissioner Joe A. Martinez

I. SUMMARY

- The ordinance being proposed will designate locations in unincorporated Miami-Dade County as "Areas and Facilities of Countywide Significance". This proposal will also give the Board of County Commissioners (BCC) ultimate jurisdiction over these "Areas and Facilities of Countywide Significance".

II. PRESENT SITUATION

- "Areas and Facilities of Countywide Significance" are not currently identified nor labeled. The issues of "Areas and Facilities of Countywide Significance" are currently addressed on a case by case basis as incorporation and annexation proposals are sought.
- County staff, Municipal Advisory Committees (MACs), steering committees, and new municipalities negotiate the fine details of certain areas of interests as they address mitigation agreements, municipal charter agreements, annexation requirements, and interlocal agreements on a case by case basis.

III. POLICY CHANGE AND IMPLICATION

- This proposal defines "Areas and Facilities of Countywide Significance" and establishes the areas Miami-Dade County will initially designate as "Areas or Facilities of Countywide Significance".
- This ordinance will also authorize the Board of County Commissioners to retain regulatory control over "Areas and Facilities of Countywide Significance" for purposes of land use, development and service delivery to protect and promote the health, safety, order, convenience, prosperity, and welfare for the residents of Miami-Dade.
- Additionally, this ordinance allows the BCC the opportunity to add or relinquish locations from this list if deemed necessary to comply with the definition of "Areas and Facilities of Countywide Significance".

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- The areas that have been designated as “Areas and Facilities of Countywide Significance” are private and public locations within Miami-Dade County’s (1) Police (2) Fire Rescue, (3) Water and Sewer, and (4) Solid Waste Departments as well as (5) Florida Power Light Facilities.
- This ordinance states the BCC will retain jurisdiction over specific locations despite being incorporated or annexed, due to the important resources and services provided by the identified areas and facilities.
- By the BCC retaining jurisdiction over these locations they will have the power to properly provide and distribute resources and services in an equal fashion across the County.

IV. ECONOMIC IMPACT

N/A

V. COMMENTS AND QUESTIONS

Amendments made at the June 14, 2005 Infrastructure and Land Use Committee:

1. Assistant County Manager Joseph Ruiz recommended to Attachment A of the foregoing proposed ordinance listing the public facilities be amended to add three facilities under the heading of Stations and Rescue Facilities for Miami-Dade Fire Rescue Department as follows: -
 - i. Station 58, Tamiami, 12700 SW 6 Street
 - ii. Station 60, Redlands, 17605 SW 248 Street
 - iii. Urban Search and Rescue, 7900 SW 107 Ave.
2. Assistant County Attorney Armstrong-Coffey recommended the first sentence of Subparagraph (c) in Handwritten Pages 6 and 8 of the foregoing proposed ordinance be amended to insert the words “and other developments” before the words “and building approvals.”

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION
UNDER ORDINANCE 96-74 FOR R.K.M.R., INC. d/b/a HIGH TECH ELECTRONICS.*

Office of Community and Economic Development

*ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION
UNDER ORDINANCE 96-74 FOR LEASA INDUSTRIES CO., INC.*

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development (OCED) recommends that the Board of County Commissioners (BCC) approve the ordinances granting Enterprise Zone Ad Valorem Tax Exemption to R.K.M.R., Inc. d/b/a High Tech Electronics and LEASA Industries Co., Inc.

II. PRESENT SITUATION

The Enterprise Zone Ad Valorem Tax Exemption was authorized by the BCC through Ordinance 88-27 and revised under Ordinance 96-74. In order to be eligible for the exemption, a new or expanding business must create a minimum of five (5) new full-time jobs. If 20% or more of the company's employees are residents of an Enterprise Zone, the exemption for that year will be 100% of the assessed value of all improved real property or tangible personal property. If the company does not meet the 20% requirement, then its exemption will be limited to 50% of the assessed value. OCED will monitor the firm's compliance during the life of the exemption.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

CEERC Item	7(H)	7(I)
Company	R.K.M.R., Inc. d/b/a High Tech Electronics	LEASA Industries Co., Inc.
Projected Total Jobs	9	73
Projected New Jobs	9	31
EZ Employees	5 (55%)	39 (53%)
Total New Investment	\$150,000	\$60,000
Term	5 years	5 years
Exemption Per Year	\$374.41	\$463.00

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

ITEM 7J ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE STANDARD URBAN CENTER ZONING DISTRICT REGULATIONS; CREATING SECTIONS 33-284.81 THROUGH 33-284.90 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-311, 33-313, 33-314 AND 33B-45 OF THE CODE

ITEM 7K ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE GOULDS COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.91 THROUGH 33-284.97 OF THE CODE; AMENDING SECTION 33-133 OF THE CODE

ITEM 7M ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PRINCETON COMMUNITY URBAN CENTER ZONING DISTRICT; CREATING SECTIONS 33-284.98 THROUGH 33-284.99.4 OF THE CODE

Department of Planning & Zoning

I. SUMMARY

Item 7J proposes an ordinance that would simplify ordinances establishing community urban center districts by codifying all the regulatory language and provisions utilized. As noted in the County Manager's memo, this substitute clarifies certain regulatory provisions and standards.

Item 7K proposes an ordinance that provides the regulation and development plans of the Goulds Community Urban Center District (GCUCD). As noted in the County Manager's memo, this substitute clarifies certain regulatory provisions and provides a more detailed legal description of the boundaries of the GCUCD.

Item 7M proposes an ordinance that provides the regulation and development plans for the Princeton Community Urban Center District (PCUCD). As noted in the County Manager's memo, this substitute clarifies certain regulatory provisions and provides a more detailed legal description of the boundaries of the PCUCD.

II. PRESENT SITUATION

The Board of County Commissioners has adopted community urban center districts for Downtown Kendall and Naranja and the Department of Planning and Zoning intends to present further ordinances to establish additional community urban center districts.

Each time an ordinance for adoption of an individual urban center zoning district is before the Board, the common regulatory language and provisions are repeated.

III. POLICY CHANGE AND IMPLICATION

The adoption of the Standard Urban Center District Regulations (Item 7J) would eliminate the repetition of common language, allowing instead for it to be referenced in the Code.

The creation of the GCUCD (Item 7K) and the PCUCD (Item 7M) are in keeping with the CDMP and incorporates the citizen's vision for the future growth and development of the unincorporated area.

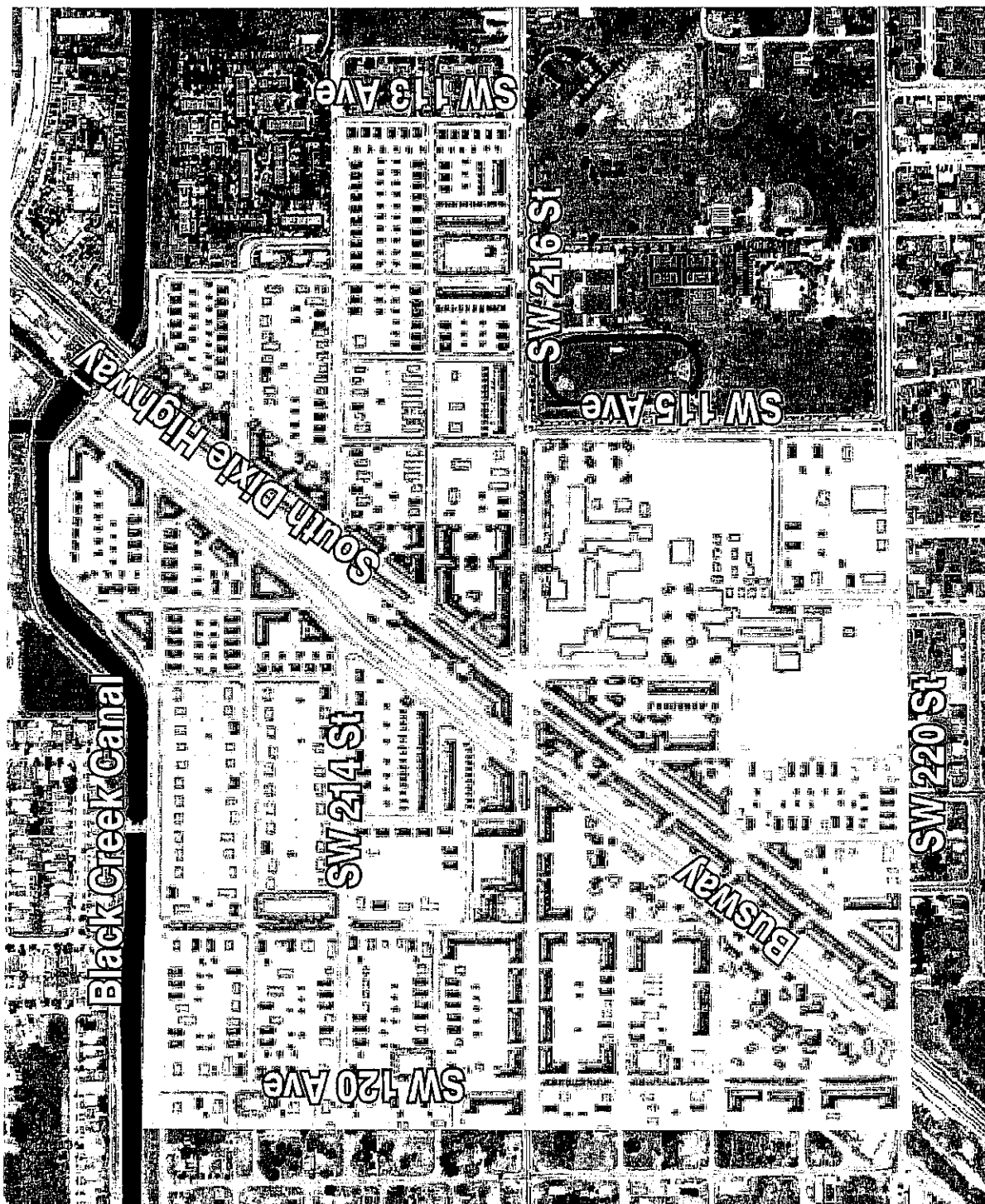
The GCUCD includes the permitted uses of the Store Porch Special District which is specific to the Goulds area.

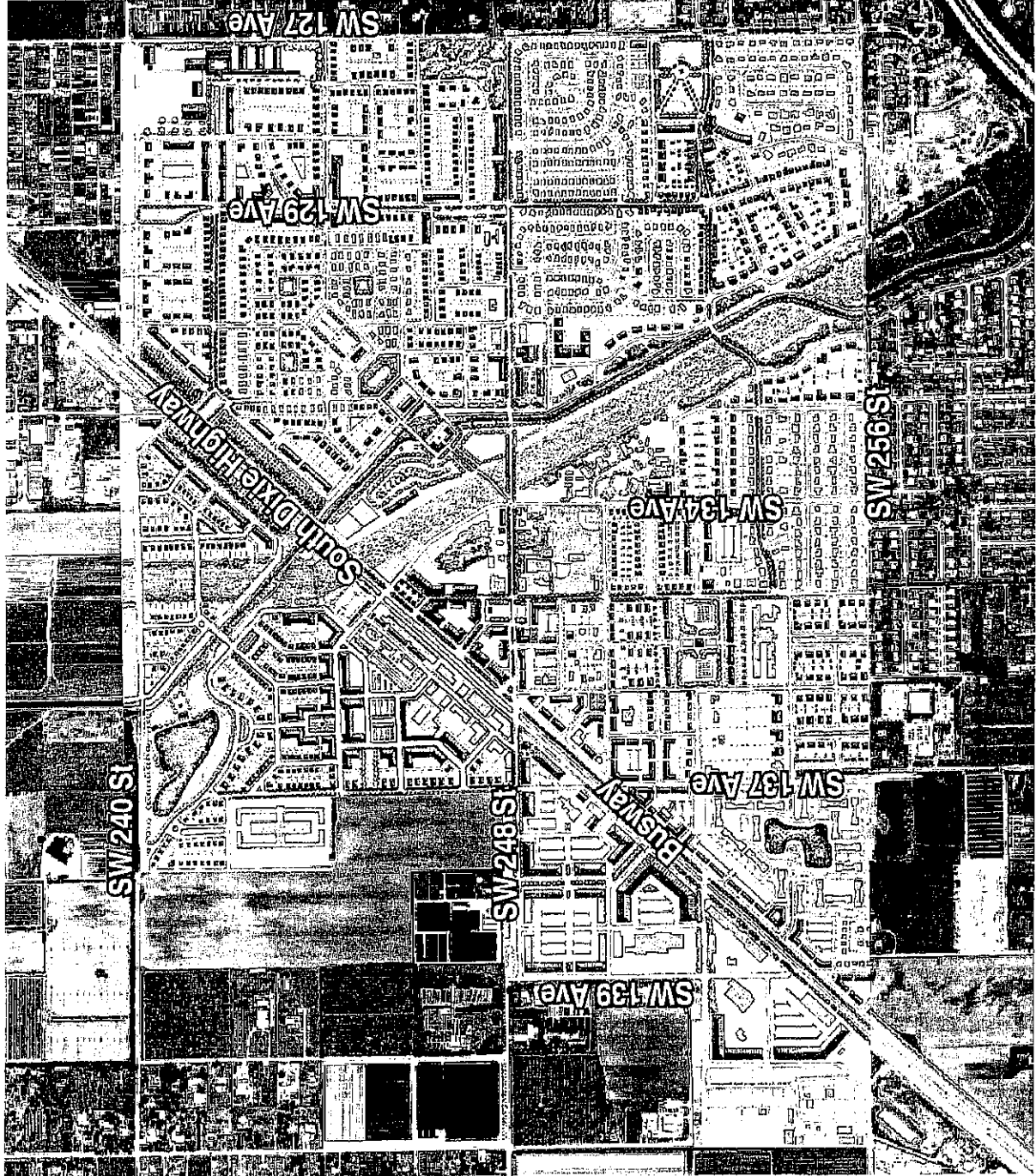
IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

Boundary maps of the GCUCD and the PCUCD are attached.





LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 33-284.69(V), 33-284.70, 33-284.73, AND 33-284.76 OF THE CODE OF MIAMI-DADE COUNTY (NARANJA COMMUNITY URBAN CENTER DISTRICT)

Department of Planning and Zoning

I. SUMMARY

This Ordinance modifies Ordinance No. 04-217, Naranja Community Urban Center Zoning Districts, so that it is consistent to the current regulatory processes as implemented by the Department of Planning and Zoning.

II. PRESENT SITUATION

On December 2, 2004, the Board of County Commissioners approved Ordinance No. 04-217, creating the Naranja Community Urban Center Zoning District (NCUCD) regulations.

III. POLICY CHANGE AND IMPLICATION

The proposed Ordinance implements the following changes to Ordinance No. 04-217:

- Section 33-284.69(V)
 - Section 33-284.69(V) would be amended to reflect the location of a Natural Forest Community. The original ordinance did not display the Natural Forest Community (designated open space no. 9 on the map).
- Section 33-284.70
 - The setbacks for RU-1 zoning districts would be applied to single family homes in the Edge Sub-District. The original ordinance created the possibility for non-conforming single family homes.
- Section 33-284.73
 - Eliminates the pre-submittal conference and expands the Administrative Site Plan and Architectural Review process to include the Miami-Dade County School Board along with the Public Works Department, the Department of Environmental Resources Management and the Fire Rescue Department.
- Section 33-284.76
 - Allows for the grandfathering of additional non-conforming structures, uses and occupancies in the NCUCD area that was either existing at the time of the district boundary change to NCUCD or had a valid building permit.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

In order to implement the changes approved in Ordinance No. 04-217, the Director of the Department of Planning and Zoning filed a district boundary change application to rezone all properties within the NCUCD. This item was approved by the Board of County Commissioners on May 19, 2005 under Resolution No. Z-13-05 (see attachment).

A boundary map is also attached.

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-13-05

WHEREAS, THE DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

applied for the following:

AU, BU-1, BU-1A, BU-2, BU-3, EU-M, GU, IU-1, IU-3, IU-C, RU-1, RU-2, RU-3, RU-3M, RU-4A, RU-4L, RU-5A & RU-TH TO NCUCD

SUBJECT PROPERTY: Begin at the Northeast corner of the SE ¼ of Section 27, Township 56 South, Range 39 East; thence west along the centerline of S.W. 256 Street for a distance of 1,877'± to the centerline of State Highway #5; thence SW/ly along the centerline of State Highway #5 for 285'± to a point; thence N47°04'12"W for 300'± to the centerline of S.W. 256 Street; thence west along S.W. 256 Street center for 1,600'±; thence S40°34'07"W for 2,380'± to theoretical W/ly right-of-way of S.W. 147 Avenue; thence south along the theoretical W/ly right-of-way of S.W. 147 Avenue for 850'± to the N/ly right-of-way of S.W. 246 Street; thence west along the N/ly line of S.W. 264 Street for 1,287'± to the theoretical centerline of S.W. 149 Avenue; thence south along S.W. 149 Avenue for 1,030'± to the N/ly right-of-way of Canal C-103 north; thence SE/ly along the north line of the canal for 2,450'± to the centerline of S.W. 272 Street; thence east along S.W. 272 Street centerline for 2,340'± to the centerline of S.W. 142 Avenue; thence north along S.W. 142 Avenue for 682'± to the centerline of S.W. 270 Street; thence east for 1,050'± to the W/ly line of the FEC easement; thence SE/ly along the west line of the FEC easement 895'± to the centerline of S.W. 272 Street; thence east 1,080'± to S.W. 137 Avenue; thence north along S.W. 137 Avenue for a distance of 5,280'± to the Point of beginning.

LOCATION: South of S.W. 256 Street, north of S.W. 272 Street, west of S.W. 137 Avenue & east of S.W. 149 Avenue; Southeast of the Urban Development Boundary Line & Northeast of Canal C103N, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested district boundary change to NCUCD would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and

WHEREAS, a motion approve the application was offered by Commissioner Katy Sorenson, seconded by Commissioner Dorrin D. Rolle, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	absent	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	absent
Carlos A. Gimmenez	absent	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested district boundary change to NCUCD be and the same is hereby approved.

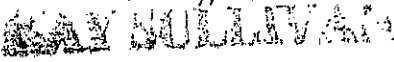
BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 19th day of May, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-5-CC-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JUNE, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-13-05 adopted by said Board of County Commissioners at its meeting held on the 19th day of May, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of June, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-133 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO RIGHT-OF-WAY PLAN AND MINIMUM WIDTH OF STREETS AND WAYS

Department of Planning and Zoning

I. SUMMARY

This Ordinance will amend Section 33-133 of the Code allowing for the minimum right-of-way for NW 74th Street from the Palmetto Expressway to the Homestead Extension of Florida's Turnpike to be changed from 80 to 126 feet.

II. PRESENT SITUATION

Presently, NW 74th Street between the Palmetto Expressway and the Homestead Extension of Florida's Turnpike is a dirt roadway and the right-of-way allowed is the standard 80 feet.

III. POLICY CHANGE AND IMPLICATION

Miami-Dade County has plans to construct a three lane roadway along NW 74th Street. Once constructed, the Florida Department of Transportation plans to widen 74th Street to a six lane roadway; therefore, the change to a 126 foot official right-of-way is in keeping with the future plans of this area.

Staff is working with the developers of the surrounding properties to set aside enough land to implement the right of way plans.

IV. ECONOMIC IMPACT

There are no economic impacts expected for the County. The roadway is dedicated lands and its construction cost is covered by the land owners as mitigation for development.

V. COMMENTS AND QUESTIONS

During the June 14th INLUC meeting, the County Manager was requested to work with a representative of a private land owner to resolve an issue with FDOT.

Has this directive been resolved?

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING SECTION 2-8.1(I) OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING FOR APPROPRIATE REFERENCE TO THE SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Procurement Management Department

I. SUMMARY

This Ordinance replaces the references to Minority Business Enterprise, Black Business Enterprise, Hispanic Business Enterprise, and Women Business Enterprise, with Small Business Enterprises in Sec. 2-8.1(i) of the Code, relating to the Code of Business Ethics.

II. PRESENT SITUATION

On August 20, 2004, in the *Hershell Gill* decision, a federal judge ruled that three of the County's programs in contracts were applied in an unconstitutional manner: Black Business Enterprise, Hispanic Business Enterprise, and Women Business Enterprise programs (collectively referred to as Minority Business Enterprise, or MBE).

In its decision, the judge found the County lacked the required evidence of discrimination against Black, Hispanic and Women owned architectural and engineering firms which would justify the application of program measures to assist those firms. The judge permanently enjoined the County from using the race, ethnic and gender based program measures that favor MBEs.

On February 1, 2005, the Commission created the Small Business Enterprise program (SBE) in response to *Hershell Gill*, to address the needs of certain small businesses without relying on the prohibited program measures of the MBE programs.

III. POLICY CHANGE AND IMPLICATION

This Ordinance replaces the references to Minority Business Enterprise (MBE), Black Business Enterprise (BBE), Hispanic Business Enterprise (HBE), and Women Business Enterprise (WBE), with Small Business Enterprise (SBE) in Sec. 2-8.1(i) of the Code, relating to the Code of Business Ethics.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING ORDINANCE NO. 02-116 GOVERNING USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX; AMENDING MAINTENANCE OF EFFORT REQUIREMENT AND MODIFYING EXHIBIT 1 TO THE PEOPLE'S TRANSPORTATION PLAN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

Miami-Dade Transit

I. SUMMARY

This ordinance proposes amending the Peoples Transportation Plan (PTP) in an effort to fund deficits for services that were provided by Miami-Dade Transit prior to the passage of the PTP, and associated .5 cent "Surtax", on November 5, 2002.

II. PRESENT SITUATION

On November 5, 2002 the citizens of Miami-Dade County approved a .5 cent Surtax to fund enhancements and expansions to the Transportation and Transit systems within the County in an attempt to try and alleviate traffic congestion.

The Surtax generates approximately \$160 million annually.

In conjunction with the passage of this Surtax, the Board of County Commissioners approved a plan and project list know as the "Peoples' Transportation Plan" containing a timeline and associated funding formula referred to as the "Pro-forma".

Subsequent to the passage of the PTP Surtax, it was revealed that Miami-Dade Transit was running a deficit of approximately \$23.9 million for services that were in existence prior to November 5, 2002. This deficit was the result of historic shortfalls with reference to the County's General Fund Subsidy to MDT, known as the Maintenance of Effort (MOE).

Further, in order to adequately fund the deficits for "pre-existing" services through 2011, MDT would require an infusion of \$142.8 million.

Because it was assumed that the PTP Surtax was to pay for "new" and enhanced services, some have been reluctant to utilize the Surtax for services that existed prior to its' passage.

In January of 2005, the Board approved a plan, by the County Manager, amending the PTP, in an attempt to utilize a current surplus in Surtax monies to offset the deficit for pre-existing services. This plan was vetoed by the Mayor.

As a result of this veto, the Manager has developed a new plan which is outlined in this agenda item.

III. POLICY CHANGE AND IMPLICATION

Issue	Original Proposal	Current Proposal
Amount Requested to Cover Deficit Through 2011	\$142.8 million	\$118.9 million (the CITT offered up to \$150 million given certain conditions) *This excludes the \$23.9 for FY 2001-2002 deficits
Annual Increase in MOE	3.50%	3.5% (For first 12 years, the actual visible increase to the MOE is only 2%. The additional 1.5% is being utilized to repay the loan from PTP Surtax) Attachment 2
Annual Increase in contribution to the PTP from LOGT	1.50%	1.50%
Source of Funding for pre-existing service and future service shortfalls	PTP Surtax	Loan from PTP Surtax
Method of Repayment	Increase in MOE by 3.5%, per year, plus base year increase of \$2 million	Repays a Loan from existing Surtax Revenues with future GF increases plus 3% interest
Term of Repayment	There was no loan. However, the amount of funds utilized for pre-existing, and future, service deficits would have been made whole by 2011 given the 3.5% Increase in the MOE	Loan would be repaid over 12 Years, inclusive of 3% interest. (Dependant on Amount Borrowed)
Increase in GF Subsidy to MDT FY 2004-2005 Budget	\$2 million	\$5.129 million
Basic Adult Fare Increase Schedule	25 cents - 2007 / 25 cents - 2012 / 50 cents - 2017 / 50 cents - 2022	25 cents - May 1, 2005 (In 2007 MDT needs to come back to the BCC for additional 10 cents to meet Pro Forma projections) The additional rate increase schedule remains the same.
Enforceability	Resolution, which could be changed via a motion of the BCC	Ordinance requiring a Public Hearing by the BCC in order to amend.

- With regards to the original \$23.9 million deficit for FY 2001-2002, the Manager proposes to repay this amount separately through efficiencies and possible land sales.
- These efficiencies cannot be guaranteed. Especially with the annual increases in fuel costs and salaries.

July 7, 2005

IV. ECONOMIC IMPACT

This Ordinance would allow MDT to borrow, **up to \$150 million** in current PTP Surtax surplus funds, in order to cover deficits in funding for services which were provided prior to November 5, 2002 through 2011. (The surplus is due to Surtax monies that have built up prior to the start of Major Capital Programs such as the North Corridor project and the East/West Corridor project.)

The re-payment of these monies shall be made over 12 years with 3% interest.

V. COMMENTS AND QUESTIONS

The County should consider the buying power of this \$118.9 million.

Given the increases in land values over the past few years (16.5% in the past year alone), the increases in the cost of fuel, and increases in the cost of construction materials, every year that these monies are not fully re-paid, the County can buy fewer products for the same monies.

Example

If the County could buy 100 parcels of land along a proposed corridor for \$100 million.

In ten years, the County may only be able to buy 40 of those same parcels for \$100 million.

**** Since the payback occurs over 12 years with 3% interest, the County will never realize the value of these monies in "Today's Dollars".**

Further, this plan proposes increasing the base level MOE to \$123,171,000 for the FY ending Sept 30, 2005. **(This was the level the MOE was originally budgeted at for FY 2001-2002)**

What about the losses incurred between FY 2001 and FY 2004 as a result of the County's' failure to properly fund MDT's Maintenance of Effort?

Although the County cannot retroactively budget more dollars for those years, the County should set the FY 2004-2005 MOE level at \$123 million plus the CPI level increases in subsequent years until the present.

July 7, 2005

LEGISLATIVE ANALYSIS

ITEM 4 (C) RESOLUTION AUTHORIZING THE ALLOCATION OF \$850,000 FROM SURTAX INCENTIVE POOL FUNDS TO BAYWINDS ASSOCIATES, LTD. FOR THE BAYWINDS APARTMENTS; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS.

Miami-Dade Housing Agency

I. SUMMARY

This resolution allocates \$850,000 in Surtax Incentive Pool funds to Baywinds Associates, Ltd. for the Baywinds Apartments. This allocation is recommended by the Miami-Dade Housing Agency (MDHA) and was approved by the Affordable Housing Advisory Board (AHAB) at its September 22, 2004 meeting. This development located at 11900 N.E. 16th Avenue, is complete and has been fully leased since April 2003.

II. PRESENT SITUATION

This development houses families who earn up to 60% of the median income for that area. There are 204 rental units consisting of 1, 2 & 3 bedroom apartments.

Number of Bedrooms	Square Footage	Gross Rent	Number of Units
1	825	\$593	48
2	1,075	\$711	84
3	1,275	\$822	72

III. POLICY IMPLICATIONS

None.

IV. ECONOMIC IMPACT

The original projected cost at the time of the loan closing was **\$16,042,000**. The revised amount reflects a total cost of **\$19,945,563**. Although this project ran **\$3,903,563** over the amount originally expected, the developer has been able to restructure the project's financing. However, there remains a financing gap of **\$850,000**. The \$850,000 will be used to pay the general contractor and the developer's overhead costs.

The BCC has previously awarded \$1,000,000 of Surtax 2002 funds and \$750,000 of Surtax 2003 funds. MDHA is requesting an additional \$850,000 be allocated from the Surtax 2005 Incentive Pool funds.

July 7, 2005

V. COMMENTS AND QUESTIONS

- Baywinds Apartments is a 204-unit community which is recognized by the Miami-Dade Historic Preservation Committee for its on-site restoration of the structure formerly known as the Burr Residence. The total project cost substantially increased due to the restoration of this historic structure.
- The developers were required to perform utility construction work, by Florida Power and Light, that was not originally anticipated and delayed the project by several months.
- This project took approximately 3 years to complete due to the application process. During this time, there were substantial increases in construction costs.

July 7, 2005**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT*****RESOLUTION APPROVING QUALIFIED TARGET INDUSTRY TAX REFUND FOR
CONFIDENTIAL PROJECT NO. 05-00257.***

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development recommends that the Board of County Commissioners approve the referenced Qualified Target Industry (QTI) tax refund application and agreements.

II. PRESENT SITUATION

The QTI tax refund program is pursuant to Florida Statutes Section 288.106. The program's intent is to attract relocating out-of-area businesses and to encourage expansion of existing local companies by providing a tax refund.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

<u>Project Name</u>	<u>Direct Jobs</u>	<u>In- Direct Jobs</u>	<u>Capital Investment</u>	<u>Estimated Incremental County Tax Revenue</u>	<u>County 20% Maximum Contribution</u>	<u>State 80% Maximum Contribution</u>
Confidential Project No. 05-00257	30	20	\$525,000	\$34,837	\$30,000	\$120,000

V. COMMENTS AND QUESTIONS

- This is a new import/export database and software business looking to establish their international headquarters and sales office in the Enterprise Zone.
- The funding for the Miami-Dade portion of the QTI shall come from the County's General Revenue Fund.
- Princeton, New Jersey is another location under consideration for this project.

July 7, 2005**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT****TARGETED JOBS INCENTIVE FUND PROGRAM PARTICIPATION FOR
CONFIDENTIAL PROJECT NO. 05-00289.**

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development in conjunction with the Beacon Council recommends that the Board of County Commissioners approve the referenced Targeted Job Incentive Fund (TJIF) application and agreements.

II. PRESENT SITUATION

The TJIF is an initiative by The Beacon Council and Miami-Dade County patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI). The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

<u>Project Name</u>	<u>Direct Jobs</u>	<u>In-Direct Jobs</u>	<u>Capital Investment</u>	<u>Estimated Incremental County Tax Revenue</u>	<u>Maximum Incentive Award</u>
Confidential Project No. 05-00289	50	15	\$5.1 Million	\$187,551	\$150,000

The 50 direct jobs that will be created will consist of the following:

- 13 will be entry-level wage warehouse distribution positions @ \$13,000/ year;
- 33 will be manufacturing/ production level positions @ \$20,000-\$21,000/ year;
- 4 will be lab technicians/ management level positions @ \$30,000-\$40,000/ year.

V. COMMENTS AND QUESTIONS

- This is an expansion of an existing manufacturing/packaging distributor of a vitamins and supplements business.
- This company has committed to hiring employees from the community.
- This company offers health and life insurance as well as, a 401K plan to all full-time employees.
- The funding requested is from the County's General Revenue Fund.

July 7, 2005

LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND MIAMI-DADE COUNTY FOR THE PROVISION, INSTALLATION, AND IMPLEMENTATION OF A NEW ADVANCED TRAFFIC MANAGEMENT SYSTEM FOR MIAMI-DADE COUNTY

Public Works Department

I. SUMMARY

The Public Works Department (PWD) is recommending that a contract be awarded to Kimley-Horn and Associates, Inc. (KHA) for the installation and implementation of an Advanced Traffic Management System (ATMS).

II. PRESENT SITUATION

The current Traffic Control System (TCS) has been in operation for 29 years.

Timeline

July 18, 1996 – Board of County Commissioners approves an \$8,630,000 contract with *F.R. Aleman and Associates (FRAAA)* as “System Manager” for the development and implementation of an Advanced Traffic Management System (ATMS). This agreement was to remain in effect for 10 years or until completion of the project. (At the time, construction costs were estimated at \$20 million).

June 20, 2000 – The BCC directs then County Manager Stierheim to expedite completion of the ATMS project and provide Quarterly Reports to the Board regarding the status of the project.

June 27, 2002 – The Public Works Department presents the BCC with Amendment No. 1 to the PSA with FRAAA for an additional \$ 3,038,660 for the completion of Phase 1 (out of 4) of the ATMS project. This brought the contract ceiling with FRAAA to \$11,668,660.

November 5, 2002 – County voters approve Peoples’ Transportation Plan (PTP) Surtax. Implementation of an ATMS is listed in Exhibit 1 of the PTP. (Estimated Cost: \$40 million).

2004 – Citing problems with FRAAA’s capacity to handle the new ATMS, the Public Works Department recommends termination the County’s relationship with FRAAA and seeks approval to begin procurement of a new project manager.

BCC ITEM 8(P)(1)(M)

July 7, 2005

2004 – PWD conducts field surveys of several mid-sized and large communities in an attempt to identify and procure an “Off the Shelf” ATMS system.

- A new RFP is developed for a product and vendor.

June 2004 – PWD advertises a Request for Information (RFI) from companies within the traffic management industry in order to develop ideas, scope of work, specifications, etc... The County receives 10 responses.

January 3, 2005 – County Manager requests approval to enter into negotiations with respondents. (Estimates the new contract would be between \$2 million and \$5 million.

July 7, 2005 – County Manager recommends award of ATMS project contract to Kimely Horn and Associates.

III. POLICY CHANGE AND IMPLICATION

This resolution seeks a waiver of the requirements of R-377-04 governing the reconsiderations of contract awards.

IV. ECONOMIC IMPACT

This contract is for a maximum of \$9 million.

Funding Sources for this contract are identified as Federal and State FDOT funds.

Although, \$40 million is contained in the PTP for construction of the system.

V. COMMENTS AND QUESTIONS

How much, in total, was paid to F.R. Aleman and Associates for the ATMS project?

Was there any performance bond associated with the previous contract?

Is the County seeking any financial renumeration from FRAAA?

Why did it take 8 years before the County realized the product provided by FRAAA would not work?

LEGISLATIVE ANALYSIS

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF DORAL'S CHARTER RELATING TO SECTION 8, TOWNSHIP 53, RANGE 40, IN THE CITY OF DORAL

County Commission

I. SUMMARY

The Doral City Council calls for the Miami-Dade County Commission to approve a Charter Amendment for the City of Doral. This resolution proposes an ordinance for Charter Amendment which needs an approval of two-thirds (2/3) of the members of the Commission to provide an election date to place the amendment on the ballot for Doral constituents to vote on.

The Question that will be provided on the ballot:

City of Doral's Regulation of Section 8, Township 53 South, Range 40 East

Shall the Charter of the City of Doral be amended to vest with the City, rather than the County, regulatory authority over comprehensive and land use planning, and building and zoning for Section 8, Township 53 South, Range 40 East, located in the City of Doral?

Yes ☐

No ☐

II. PRESENT SITUATION

- The respective property (Section 8, Township 53 South, Range 40 East) is currently under the jurisdiction of Miami-Dade County.
- With the exception, of a small piece of the property that is a FPL subsection and another small area that has an active rockmining operation, Section 8, Township 53 South, Range 40 East is vacant.
- The property is currently zoned for GU & TND.
 1. **GU-** Interim Uses depend on character of neighborhood; otherwise EU-2 standards apply. (EU-2-Estates 1 Family 5 Acres Gross)
 2. **TND-** Traditional Neighborhood District 40 Acres Gross min. Mixed Uses
- The Department of Planning and Zoning has expressed that Section 8, Township 53 South, Range 40 East is being proposed for residential development.
- The department has also expressed that several zoning applications are pending in the property's adjacent area.

BCC ITEM 11(A)(7)

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- Section 8, Township 53 South, Range 40 East was also the subject of recent CDMP application. The applications were approved on a modified basis.

III. POLICY CHANGE AND IMPLICATION

The City of Doral will have authority to regulate the comprehensive land use, planning, building, and zoning for Section 8, Township 53 South, Range 40 East (located in the City of Doral).